

**ATTACHMENT TO INTERVIEW SUMMARY JULY 23, 2009 SER NO 10/528060**

Examiner contacted ATTORNEY MICHAEL P. HORVATH Reg No 57235 on July 23, 2009 indicating that Claim 17 will be allowed over the art of record and requested that Claims 1-13 to be cancelled in by Examiner's amendment with the provision that Applicant may submit by a 312 Amendment any of the dependent claims 2-13 [not claim 9 which is within the scope of the allowed claim 1] as long as there are no 112 issues. Claim 9 as disclosed in the instant specification\_ has the advantage:

“...particularly advantageous embodiment of the method provides that one cell culture each of different types is prepared inside at least one cell culture chamber on both sides of a gas- permeable membrane installed there for the purpose of a direct co-cultivation of both cell cultures.

This kind of co-cultivation is preferably carded out in such a way so as to supply the cells growing on the one side of the membrane, that means on the apical side, by a first flow of media, whereas the cells of the second cell culture growing on the other side of the membrane, that means on the basolateral side, are supplied by way of second flow of media that differs from the first flow of media.”;

which is not disclosed by the references of record.

The issue is that Claim 1 contains subject matter that stands rejected based on the references of record and even if Claim 9 is included in Claim 1, the claim would still be rejected based on the record as being within the scope of the references of record.

Attorney may include by Examiner's amendment those claims of claims 2-8 and 10-13 with a change of dependency upon cancellation of claims 1-13.

Since Applicants are in Germany, this Examiner will have to act on this application as soon as possible either with an answer or without a reply from Attorney Horvath.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HERBERT J. LILLING whose telephone number is 571-272-0918. The examiner can normally be reached on WORK AT HOME MAXIFLEX.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JON WEBER can be reached on 571-272-0925. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1657

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July 23, 2009

/HERBERT J LILLING/  
Primary Examiner Art Unit 1657